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SENATE

REPORT
99-453

ESTABLISHING THE HENNEPIN CANAL NATIONAL HERITAGE CORRIDOR IN THE STATE OF ILLINOIS

SEPTEMBER 19 (legislative day, SEPTEMBER 15), 1986.—Ordered to be printed

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Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 977]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 977), to establish the Hennepin Canal National Heritage Corridor in the State of Illinois, and for other purposes, having considered the same, reports favorably thereon with an amendment to the text and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Hennepin Canal National Heritage Corridor Act".

FINDING; PURPOSE

SEC. 2. (a) FINDINGS.—The Congress makes the following findings:

(1) the Hennepin Canal and Parkway comprise the longest manmade waterway corridor in Illinois, built between 1890 and 1907 by the United States Army Corps of Engineers and operated by the corps for commercial navigation as part of an inland waterway between 1907 and 1951;

(2) the Canal was conveyed to the State of Illinois in 1970 under an agreement that Federal funds would be made available for restoration and rehabilitation;

(3) the Illinois Department of Conservation has completed a Hennepin Canal State Trail Master Management Plan for the total rehabilitation of the Canal;

(4) the majority of the Canal is listed in the National Register of Historic Places as a National Historic District offering a unique example of America's historic canals and early canal construction technology, including locks, aqua-

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ducts, highway and railroad bridges, dams, culverts, banks, seepage ditches, canal houses, and service buildings; and

(5) the Canal will join with the Illinois and Michigan Canal National Heritage Corridor to form a statewide National Heritage Corridor across the width of the State of Illinois which will be used to preserve our historic heritage and to promote tourism in an area experiencing persistent high levels of unemployment and economic displacement.

(b) PURPOSE.—It is this purpose of the Act to recognize, develop, retain, and enhance, for the benefit of present and future generations, the cultural, historical, natural, recreational, and tourism resources of the Canal.

ESTABLISHMENT; BOUNDARIES

SEC. 3. (a) ESTABLISHMENT.—There is established in the State of Illinois the Hennepin Canal National Heritage Corridor.

(b) BOUNDARIES.—The Canal shall consist of those lands owned by the State of Illinois which are within the Canal area generally described in the "Hennepin Canal State Trail Master Management Plan", approved February 28, 1983, and filed and available for public inspection in the offices of the State of Illinois Department of Conservation.

DEFINITION

SEC. 4. For purposes of this Act the term "Canal" means the Hennepin Canal National Heritage Corridor, as generally described in section 3(b).

PURPOSE OF THE MEASURE

S. 977, as reported would establish the Hennepin Canal National Heritage Corridor in Illinois to secure national recognition of the Canal resources.

BACKGROUND AND NEED

The Hennepin Canal is a manmade 96-mile waterway corridor connecting the Illinois and Mississippi Rivers. Formally known as the Illinois and Mississippi Canal, it was built by the U.S. Army Corps of Engineers between 1890 and 1907, and was operated for navigation as a component of our inland waterway system until 1951. It was conveyed to the State of Illinois for recreational use in 1970 under an agreement that Federal funds would be made available for restoration and rehabilitation. The State has since operated it primarily under the jurisdiction of the Department of Conservation, as a recreational corridor affording a variety of water and trail-related outdoor recreational opportunities.

The Hennepin, although somewhat physically modified, remains essentially intact, providing a unique case history of America's historic canals.

S. 977 establishes the Hennepin Canal Heritage Corridor to secure national recognition of the Canal resources. Ownership and management responsibilities remain the responsibility of the parties as under current contracts and agreements.

LEGISLATIVE HISTORY

S. 977 was introduced by Senator Dixon and Senator Simon on April 23, 1985. The Subcommittee on Public Lands, Reserved Water and Resource Conservation held a hearing on the bill on April 11, 1986.

At a business meeting on Septemgber 11, 1986, the Senate Committee on Energy and Natural Resources ordered S. 977, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on September 11, 1986, by unanimous vote of a quorum present recommends that the Senate pass S. 977, if amended, as described herein.

The rollcall vote on reporting the measure was 18 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield	
Mr. Weicker [1]	
Mr. Domenici	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht	
Mr. Evans	
Mr. Johnston [1]	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum [1]	
Mr. Melcher [1]	
Mr. Bradley [1]	
Mr. Bingaman [1]	
Mr. Rockefeller [1]	

[1] Indicates voted by proxy.

COMMITTEE AMENDMENT

The Committee amendment makes several technical and punctuational changes and deletes a reference in subsection (b) of section 2 to contractural responsibilities.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 12, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 977, a bill to establish the Hennepin Canal National Heritage Corridor in the State of Illinois, and for other purposes, as ordered reported by the Senate Committee on Energy and Natural Resources, September 11, 1986. Enactment of this bill is not expect-

ed to result in any significant cost to the federal government or to state or local governments.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 977. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 977, as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to S. 977 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, August 14, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 977, a bill "To establish the Hennepin Canal National Heritage Corridor in the State of Illinois, and for other purposes."

We oppose enactment of S. 977 because it would confer a national designation on a feature that has not been determined to be nationally significant.

S. 977 would establish the Hennepin Canal National Heritage Corridor, the longest manmade waterway corridor in Illinois, built between 1890 and 1907 by the United States Army Corps of Engineers. The bill recites that the Hennepin Canal was conveyed to the State of Illinois in 1970 by the United States Army Corps of Engineers under agreement that Federal funds would be made available for restoration and rehabilitation. We understand, however, that funding was never made available to the State. S. 977 states as its purpose to recognize, develop, retain, and enhance the Canal resources, and that the United States Government fulfill the contractual responsibility with the State of Illinois. There is no direct authorization for appropriations, but there is an implied request for funds for the Federal Government to fulfill the terms of the 1970 contract.

We note that the bill would not authorize the Hennepin Canal as a unit of the National Park System. It only states that it would

join with the Illinois and Michigan Canal National Heritage Corridor, established in 1984. However, unlike the Illinois and Michigan Canal, the Hennepin Canal has not been determined to be nationally significant. The statement on page 2 of the bill as to its national significance is in error. Even if the bill were to authorize it as a unit of the National Park System, we would oppose the enactment of S. 977 since its level of significance was determined to be only at the "State level" when it was listed on the National Register of Historic Places on May 22, 1978. Further, we already administer several canals of greater historical significance than the Hennepin Canal. Among these are: the Chesapeake and Ohio Canal National Historical Park; the canal system that led to the industrial revolution in Lowell, Massachusetts, and is an integral part of the Lowell National Historical Park; and the Chesapeake and Erie Canal, an integral part of Cuyahoga Valley National Recreation Area.

We believe that States should be encouraged to develop resources of local and regional significance for public recreation. In the absence of a legal responsibility to provide Federal assistance, we believe the State-owned Hennepin Canal is a State responsibility and should be funded by State sources. As to the "contractual responsibilities of the United States" asserted in the bill, we are unaware of any such responsibilities. We defer to the Corps of Engineers for its views on the nature of the Federal responsibility, if any, for the canal.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

P. DANIEL SMITH,
Deputy Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 977, as reported.

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